## N'DONNELL GOES FREE.

JURY ACQUITS HIM OF MURDER-OUT ONLY IN MINUTES. gold for Polonious Assents on Bilward Court-ney, but Quickly Released in \$2,500 Bail —Judge's Charge Strongly Pavered the Prisoner—Price's Widow Not in Court.

Myles B. McDonnell, the gambler, was equitted yesterday in the oriminal branch the Supreme Court of the charge of murering a fellow gambler. George Price. storney on a charge of felonious assault on Edward Courtney in the pistol fight in the Onowa café until Justice Fursman admitted him to \$2,500 batl and allowed him to depart for home with his wife. Holding the gambler on the assault charge was simply a formality. er indictment. The District Attorney, however, will not press that charge, as the eviin that case as it was in the charge of mur-

The jury which acquitted McDonnell was out barely seventeen minutes after listening to a charge by Justice Fursman, which bore stringly in favor of the defendant. After giving bail for the assault indictment he went immediately to his home in City Island with his wife, who has eat by him in the court room during his long trial and its mysterious

After the State closed its case in the morning Lawyer Abe Levy, McDonnell's counsel, announced that he would let the case go to the jury on the Judge's charge.

"I think that would hardly be fair to the prisoner," said Justice Fursman, and the defence made a brief summing up. Mr. Levy began with a concise review of the facts and then simply and without any attempt at oratory resolved the case into one question:

"Did McDonnell kill Price defending his own life or did he deliberately, premeditatedly and with mailee aforethought shoot him down and kill him." He made a point of the prisoner's admission that he had killed Price and emphasized the fact that no other evidence adduced would lead the jury to any such conclusion. Concluding, Mr. Levy said:

"If a man had not been killed in that fight the police would never have reported it. They would have concealed it and kept it under cover.

Assistant District Attorney Delaney argued that McDonnell was the only man who seemed that McDonnell was the only man who seemed that McDonnell was the only man who After the State closed its case in the morn-

they would have concealed it and kept it under cover.

Assistant District Attorney Delaney argued that McDonnell was the only man who had pulled a gun in the crowd. At this juncture District Attorney Philbin entered the courtroom and took a seat near the bench. Justice Fursman, as on Thursday, did not look in his direction nor did he salute the Court. A few minutes after Mr. Philbin's entrance the Justice abruptly left the bench and entered his private chambers. The side of Mr. Delaney's oratory flowed on, however. He analyzed in detail the testimony introduced in the case. He said that McDonnell made the first advance in the saloon by calling Kennedy aside from his friends.

McDonnell, he continued, "called Piser a dirty black-faced Jew. Was that the language of a peaceful man, or of a man intending to provoke a row?" Referring to the prisoner s testimony, he went on:

"Do you believe, gentlemen, that McDonnell, as he stated, ever said to Kennedy. "Tom, I've got you cinched now, but I'll spare your life for your wife and children's sake. That speech needs a histrionic setting."

Justice Fursman's charge was brief, occupying scarcely ten minutes, and was pointedly in favor of the defendant. He began by explaining the law and reading the statutes governing murder and homicide. Then he took up the facts of the case, concluding with this almost direct injunction for the jury to acquist:

"Considering the fact that McDonnell

with this almost direct injunction for the jury to acquit:

"Considering the fact that McDonnell was in the habit of visiting the Onowa Cafe and that it was an unusual hour for the other four men, can you tell me that there is not a reasonable doubt but that the prisoner shot in self-defence in the fight in which Price was killed, Kennedy was wounded. Courtney was wounded and Maginess was shot? You'may retire."

The prisoner and his wife exhibited not the slightest emotion during the proceedings preliminary to the jury's exit. When the yerdlet was announced, however, she laughed pleofully and patted her husband's cheek Price's widow was in the court room In the morning, but did not attend the closing of the trial.

After McDonnell had been freed and John Bascombe of City Island had gone on his bond, he issued the following statement:

"No words can utter my thankfulness for the result. I have no blame for anybody. To one and all I feel nothing but good will know my friends everywhere rejoice with me in my liberation and vindication."

After the acquittal Assistant District Attorney Delaney shook hands with McDonnell and chatted with his wife.

## RAID PRISONERS HELD.

Court Spectator Anxious About John Dee -"I'm the Best They Could Get," Says He.

The four prisoners taken in the raid on the polroom at Eighth avenue and 122d street on Thursday afternoon and the solitary prisoner arrested at 104 Sixth avenue at the same hour were arraigned before Magistrate Deuel in the Centre street police court resterday and held under \$1,500 ball each for examination on Monday. They had spent the night in the Elizabeth street police spent the night in the Elizabeth street police station, as they were unable to find a Magistrate to admit them to bail.

Edward H Barlow of 324 East Tenth street the John Doe mentioned in the Sixth avenue warrant, was the first man held. Lawyer Philip Waldheimer appeared for him and secured an adjournment till Monday.

"But the examination must positively go on then," said the Magistrate.

"We might ask for a nostrongment," said e might ask for a postponement," said

heimer. ald not grant it if you did," replied the Magistrate.
"But the District Attorney might ask for it," suggested the lawyer.
"I should not grant it," repeated the Magis-

"I should not grant it," repeated the Magistrate emphatically.

After the hearing Lawyer John Hoyer mounted the bridge and announced that he, and not Mr. Waldheimer, represented Barlow Mr. Waldheimer hesitated for a moment, and then retired.

The four William Browns described themselves as James Wilson of 430 Atlantic avenue Brooklyn; John M. Post of 238 East 124th Mreet, Frederick Roche of 159 West 120th street, and Thomas Rogers of 47 Columbus avenue. They furnished \$1,500 bail each. Lawyer C. L. Hoffman appeared for them. "Say!" inquired a spectator of Barlow, "are you really John Doe-the big John Doe?" You can search me," replied Barlow, "They wanted the best they could get, and they got me."

## BURKE STOLE \$6.011.77.

Commissioners of Accounts Explain How He Was Able to Rob the City.

John C. Hertle and Edward Owen, the Commissioners of Accounts, sent Mayor Van Wyck a report yesterday on the stealings of Joseph Burke, formerly cashier of the Queens Borough Water Supply Department. The examination of Burke's books made by the Commissioners shows that he stole 6,011.77. The Commissioners then describe

Burke's method of stealing:

"Burke's method of stealing:

"Burke, having received a check for a considerable sum in payment of bills for water rents, the check would for a time be held and no entry of its receipt made on the cash book at the time. When the aggregate of other payments, made in actual cash, would about equal the amount of the abovementioned check (these cash payments being entered on the cash book in detail and properly credited upon the meter ledger, ct.), the check would be used to make a deposit in bank and its receipt usually, but not always, acknowledged in the cash book on some date other than that of its original receipt. Thus said Burke appropriated the actual cash, the receipt of which he acknowledged on the cash book, and deposited in lieu thereof the check, the receipt of which was not at the time acknowledged on the cash book.

"That said Burke was enabled to make

was not at the time acanows on the several books.

"That said Burke was enabled to make these deferred entries on the several books was due to the fact that, as cashier, he not only received payment of bills, but also made the entry of the receipt of same on the cash book, and posted the payment on the meter ledger, and regular books, and also to the further than the work was never checked ook, and posted the payment on the cash book, and posted the payment on the meter edger, and regular books, and also to the urther fact that his work was never checked by any other cierk."

Burke was under a bond of \$2,500, with the United Status Fidelity and Guaranty company as surety.

No Objection to Bridge Over Croton River. With reference to the New York Central With reference to the New York Central Railroad's application for permission to build a bridge across the Croton River at Croton Falls, with a centre pier resting in the river. Corporation Counsel Whalen has advised the Aqueduct Commissioners that they may properly consent to the construction of the pier, but that their consent should not partake of the character of a grant or an easement—merely of a resolution on the part of the board to the effect that there is no objection to the construction of the pier. MARTIN GETS ONE YEAR.

Edward H. Martin, the former Lies for stealing the canteen funds at Fort Hamil-ton was sentenced by Recorder Goff in General Sessions yesterday to twelve months in the penitentiary for passing a bogus check for \$74.8s on the Mechanics' National Bank of Philadelphia. The court could have sent Martin to prison for five years. There were

many other charges against him. In making a plea for mercy the prisoner said: "Up to three years ago my life was perfectly honorable. I was graduated from the public schools in New York in 1892, and from public schools in New York in 1892, and from West Point the day war broke out between the United States and Spain and was assigned to the Sixth Artillery. I fought throughout the Santago campaign, contracting typhoid maiaria. My sufferings from that disease caused me to take morphine, though I did not know what I was taking at the time.

"I obtained six months' sick leave and then was assigned to Sandy Hook where I drilled my battery and helped place in position half a dozen 13-inch guns. The day when the circus was at Madison Square Carden I came to New York and while standing at Fourteenth street and Broadway two women came up and spoke to me. I later married one of them, publicly known as Gussie McRee, the 'Poolroom Queen.' She told me that she was the daughter of a Confederate officer, though I learned afterward that she had four husbands living and was the keeper of four poolrooms.

"Your Honor, I have saved thirty-one lives from drowning and never failed to risk my own to save a fellow man."

"Your story of your deeds will not save you," said Recorder Goff. "There is no evidence for you. You have discreetly maintained silence on many points. I have a record in my hands, said the Court, "showing that your life has bordered on the dishonest. You ought to go to State Prison, but I will save you from the felon's curse and send you to the penitentiary for twelve months instead."

\$60,000 MORE FOR HIS BEIRS?

Janitor's Securities "Needlessly Sold When Country Was on Verge of War."

PORT CRESTER, July 12 .- Surrogate Silkman f Westchester county has given a decision Company as trustee under the will of the late Charles Saxer of this place which may add \$60,000 more to the heirs and cause a Saxer was for years the janitor of the office building at 52 Wall street, New York, in which the trust company is a tenant. He had family there. He retired a few years ago with about \$400,000 and came to Port Chester, where he died in 1897. In his will the old janitor bequeathed most of his property to his daughter, Mrs. McCaffrey, his sister-in-law, Sarah licaly and their children, and named the New York Life Insurance and Trust Company as executors.

A short time ago when the trust company, made its accounting. William P. Fiero, as counsel and special guardian for the grand-children, objected, declaring that the trustee had sold valuable securities left by Mr. Saxer just at the outbreak of the Spanish War, when the markets were depressed, and by so doing had caused a loss to the heirs of something like \$60,000. Lawyer Fiero said that the trust company violated its duty in not retaining the securities in which the testator invested his estate. He averred that the intention that the securities should be retained was clearly apparent from the will.

Surrogate Silkman in his decision says the executor sold the securities unnecessarily when the country was on the verge of war and the country and markets were excited. The executor is therefore charged with the present value of the securities sold. It is said that Emmett & Robbinson, attorneys for the Trust Company will appeal the case. where he died in 1897. In his will the old

GARBAGE BIDS THROWN OUT. The Figures So High That This Action Had Not a Single Opponent.

At the meeting of the Board of Estimate yesterday on motion of Comptroller Coler all the bids which had been made for the removal and disposal of the city's garbage for a term of five years from Sept. 1 were thrown out and the Commissioner of Street Cleaning was authorized and directed to advertise for new bids, the term of the contract to be for one year. The vote was unanimous. Commissioner Nagle had recommended that the bids of the New York Tealtrant Commissioner Nagle had recommended that the bids of the New York Nagle and York Tealtrant Commissioner Nagle had been to be supported to the New York Nagle and York York Sanitary Utilization Company for Manhatian of \$232,000 a year and of George W. Hoyt for The Bronx at an average price Walen, who sent an opinion to President Whalen of the Municipal Civil Service Com-

of \$66,000 a year be accepted, The price for the contract in 1900 was only 889,990 for Manhattan and when the bids were submitted to the board Comptroller Coler had Chief Engineer McLeen of the Finance Department make an investigation. Mr. McLean reported that the Sanitary Utilization Company's bid was about two and one-half times the price charged in and one-half times the price charged in other cities and three times as much as the price charged in Philadelphia and Boston. In case there are no bids for the con-tract for a one-year term, the city will dispose of the garbage itself. President Guggenheimer of the Council denounced the effort to bind the city to a five-years contract. contract.

MRS. LOLA BONINE INDICTED.

Grand Jury Charges Her With the Murder of Young Ayres in Washington. WASHINGTON, July 12.-The Grand Jury of the District of Columbia, at 1:40 o'clock this afternoon, brought in an indictment against Mrs. Lola Ida Bonine, holding her responsible for the death of James Seymour Ayres, Jr., at the Hotel Kenmore, on May 15 last. The indictment reads that she "feloni-ously and wilfully and with malice afore-thought discharged a pistol against the body of Ayres."

The Ayres."

The Ayres. Bonnie tragedy was one of the most sensational in Washington police annals. Great mystery surrounded the death of Ayres, who was found dead in his room at the Hytel Kenmore with three pistol shot wounds in his body. Mrs. Bonnie, a guest of the hotel, acknowledged her presence in Ayres's room when he was killed. She declared, however, that Ayres threatened her with a revolver, and that in a struggle to protect her honor the shots were fired which resulted in his death.

NEW COPS NEEDED AT ONCE.

Hurry Call to 200 to Get Their Uniforms Needed for the 3-Platoon Trick.

Police Commissioner Murphy has issued an order directing the 200 probationary policemen he appointed about a month ago to procure their uniforms inside of ten days. It is cure their uniforms inside of ten days. It is understood that they are to be put on post as soon as possible, but Col. Murphy says that has not been decided.

The term of probation of a policeman is ninety days. In that time the budding cops attend the school of instruction at Police Headquarters and at night do patrol duty in citizen's clothes with a cop in uniform. That is of teach them the "ropes"

Mulberry treet takes it that putting the probationary men on post before the allotted ninety days has expired means that these men are needed to hasten the introduction of the three-platoon system. the three-platoon system.

Gen. George Moore Smith's Staff.

Gen. George Moore Smith of the First Brigade of the National Guard has issued, under date of July 1, his first order to the new brigade. He assumes command of the brigade and announces the following as brigade and announces the following as the members of his brigade staff. Capt. Arthur W. Little, Aide-de-Camp: Capt William S. Scott, Aide-de-Camp: Lieut-Col. Thomas J. O'Donohue, Assistant Adjutant General; Major Alfred H. Abeel, Inspector: Capt. John H. Townsend, Assistant Inspector: Major William Ives Washburn, Judge-Advocate; Major Harris B. Fisher, Quartermaster: Major Frederic C. Thomas, Commissary of Subsistence, Lieut-Col. Nathan S. Jarvis, surgeon; Major Elmore F. Austin, engineer, Major Gouverneur M. Carnochan, I. S. A. P. & O. O.; Capt. John R. Hegeman, Jr. Assistant I. S. A. P.

Reported Arrest of a Diamond Smuggler. There was a report in Hoboken last night, credited to the son of a local detective, that a passenger on the Hamburg liner Patricia, a passenger on the Hamburg liner Patricia, which arrived yesterday was arrested at the Hoboken pier with \$25,000 worth of diamonds, which he was trying to imaggie. According to the report United States Inspector Timothy J. Donahue made the arrest. Donahue said that he knew nothing about it, and so did Col. J. H. Storey, the Deputy Surveyor, who was at the pier till the last passenger from the Patricia had passed the customs officers.

ACCUSE THURBER OF FRAUD

CREDITORS ASK THAT TRANSFERS OF PROPERTY BE PUT ASIDE.

They Allege That They Were Made as Part of an Elaborato Scheme to Aveid Paying His Dobts, and Enable Him to Still Con-tinue to Live in a Luxurious Manner. Francis B. Thurber is charged with dis-posing of property in 1888 and 1888 in order to defraud his creditors in a complaint filed

creditors, who seek to set aside these trans-fers and the assignment he made in 1893. It while there was so much going on in South

in the Supreme Court yesterday by several creditors, who seek to set aside these transferes and the assignment he made in 1983. It was understood that it was in order to forestall those oreditors that Mr. Thurber went into voluntary bankrupter last Thursday. The plaintiffs contend that the bankruptery will not affect their action, because it is laid in fraud.

The action is a sweeping one in the different legal acts it seeks to set aside, and unusual in its allegations. It is averred that in 1823 Mr. Thurber conceived the scheme of continuing to live in a luxurious way, regardless of his insolvency, and to hold himself out as a man of wealth, and yet make conveyances of what property he had so that he would remain in the eyes of the world as the owner. It is further declared that he "fraudulently intended to hinder, delay and defraud parties who, after said conveyances were made, relying upon his continued appearance of great wealth, should extend to him credit." It is averred that in 1822 Mr. Thurber was an indorser on notes of Thurber, Whyland & Co. to use amount of \$500,000 chat he was then on notes as indorser of other concerns aggregating \$100,000 and that he had personal obligations of \$100,000. On July 19, 1993, he conveyed his country residence including two parcels of land at Hunter, Greene country, to his brother-in-law, Charles B, Meyer. Meyer soon after conveyed the property was worth \$2,000 and that he had personal obligations of \$100,000. On July 19, 1993, he conveyed his country residence including two parcels of land at Hunter, Greene conveyed the conveyed his country residence including two parcels of land at Hunter, Greene conveyed the conveyed the

aggregating \$100,000 and that he had personal obligations of \$100,000. On July 19, 1892, he conveyed his country residence including two parcels of land at Hunter, Greene county, to his brother-in-law, Charles B. Meyer. Meyer soon after conveyed the property back to Thurber as trustee for the benefit of Thurber's three children. The property was worth \$25,000 and since then two other houses have been erected on the land for renting, the Thurber family occupying the old and larger structure. It is stated that Thurber has since continued to have control over the property and has acted in all respects as the owner. These conveyances are alleged to have been without consideration and made to keep the property from Thurber's creditors.

One of the plaintiff creditors is the Ninth National Bank, which has a judgment for 36,727.80, on which \$2,798.40 has been paid. The others are Isaac Showers, with a judgment of \$5,413.58, and the estate of William W. Badger, with a judgment of \$5,049.50, on which \$300 has been paid.

It is also alleged that in 1892 Thurber assigned \$5 out of the 100 shares he owned in the Catskill Mountain Camp and Cottage Company, worth \$100 each, to Meyer in trust for Thurber's children, and that he retained the five shares to give the impression that he had kept his interest in full in the company so that he could continue in its management.

he had kept his interest in full in the company so that he could continue in its management.

It is further declared that on June 30, 1893, Thurber conveyed his city residence, 49 West Twenty-fifth street, to Samuel D. Coykendall, of Kingston, without consideration and that Coykendall has ever since permitted the Thurber family to retain their residence. This property was then worth \$40,000 and was mortgaged for \$20,000. At this time it is stated Thurber's obligations were \$900,000. This deed was not recorded until Nov. 14, 1893, it is averred, and its record was then made in view of, the general assignment of Thurber that day to his relative, Boudinot Keith. It is stated that Thurber assigned nothing but worthless securities.

It is asked that the assignment be set aside because it was made in order to create a bar of apparent ownership in the assignee of anything Thurber might possess against any action by creditors to set aside the different transfers of property he had previously made, as alleged, to defraud his creditors. Keith as assignee took the assignment, according to plaintiff, knowing that Thurber averred that Keith refused to bring actions in behalf of the creditors to set aside these conveyances of property by his assignor.

Corporation Counsel Says He Must Be Placed

Gen. Rodenbough, who was chief of the on a preferred eligible list for reemployment in some place in the Police Department whento compel by mandamus the Board of Elections to give him a place in the new Bureau of Elections, but failed. His eligibility for appointment in the Police Department was Whalen, who sent an opinion to President Knox of the Municipal Civil Service Commission, in which he advised him that Gen. Rodenbough and the other employees of the former Bureau of Elections were originally appointed by the Board of Police to places in the Police Department and assigned to the Bureau of Elections, and when their places were abolished and they were forced to leave the service, without fault or delinquency on their part, they were entitled under Rule 43 of the civil service to preferement for reemployment in the Police Department.

Gen. Rodenbough, being a veteran, will have preference whenever Police Commissioner Murphy gets ready to call for an eligible list of clerks or other civilian employees.

COP CALLED TO QUIET THE 'PHONE. It Rang and Rang and the Proprietor Was

Worried -Damn, Says the Cop. Sergt. Mott of the East 120th street police station was congratulating himself last night that things in his precinct were unusually quiet when sombody telephoned that there was a big row at 107 East 125th street. The sergeant roused Policeman Mooney of the reserve squad out of bed and sent him around to the place in a hurry. Rooney found it a combination cigar store and billiard room. There was no excitement in the place, so he called on Arnold Biel, the proprietor, to explain his message
"It was the telephone bell," said Biel. "It rang and rang Ten times at least I asked Central what was wanted, but I was told that I hadn't been called. I got worried then and let the police know about it. That's all, It's all right now."
"How was it fixed!" asked the cop.
"It was the boys. They scraped the insulator off the wires outside and rang the bell. I thought I'd let you know about it."
"Damn," said the cop. sent him around to the place in a hurry

COL. FORESTER COMMITS SUICIDE. Was a Friend of Li Hnng Chang and Was Second

in Comm and in the Taiping Rebellion. HORNELLSVILLE, N. Y., July 12.-Col. Edward Forester, 76 years of age, committed suicide by shooting himself through the head early this evening. Col. Forester was a personal friend of Li Hung Chang. and when that famous Viceroy visited New York a few years ago Col. Forester was one York a few years ago Col. Forester was one of the committee who met him. He was second in command during the Tajping rebellion in China with Gen. H. L. Ward, and was captured and tortured nearly to death. Later he was with Chinese Gordon in Africa. He had within the last six months received letters from Li Hung Chang.

Col. Forester's suicide is regarded as a peculiarly deliberate affair of a sane man, for although efforts had been made by some relatives to make him out insane, Dr. Walker of the sanitarium where he had stayed the last year declared that he was sane.

ARREST IN SALAMANDO MURDER. Police Now Think That Dead Man Was the Vic-

tim of a Vendetta. The Brooklyn police made another arrest last night in the case of Dominico Salamando. who was found murdered early last Monday morning at Prospect place and Troy avenue near his home and was said at the time to have been a Maffa victim.

The police say that Salamando was the victim of a vendetta. The prisoner taken last night was Antonio Peppitone, one of Salamando's neighbors. He has a fruit stall in the Wallabout Market and goes to work at 2 o'clock, about the hour that Salamando was shot. The detectives who made the arrest said last night that they were not at liberty to say why they had made it.

Antonio Rapullo, the dead man's brotherin-law, who was arrested on the day after the murder, is still in custody. tim of a vendetta. The prisoner taken last

Appointments by Commissioner Wallace. James G. Wallace, Commissioner of Build-

ings. Man or boy. ngs, announced the following appointments 258 Broadway, cor. Warren, 569 Broadway, cor. Prince, 1260 Broadway, cor. 32d, and 54 West 33d St. yesterday for The Bronx: Superintendents of buildings, Joseph Gordon, John A. Mason, \$2,500 a year each: confidential stenographer, Lilian Kaplan, \$1,200 a year.

DACK FROM FIGHTING THE BORRS.

BALTIMORS, July 11.-Jesse Tyson, Jr. of this city, nephew of Jesse Tyson, the President of the Baltimore Chrome Works, has perience in the British Army in South Africa Mr. Tyson went to South Africa about five years ago and was collected in the Cape Mounted Rifles soon after his arrival. He served with the Rifles for three years and

ALBERT L. JOHNSON'S WILL.

\$1,000,000 of Personal Property in This State Left to Widow, Brother and Children.

The will of Albert L. Johnson, the millionaire railroad man, was filed for probate n Brooklyn yesterday morning. The affidavit accompanying the will states that the testator did not possess any real property in this State and that the personal property was valued at about \$1,009,000. The testator's brother, Mayor Tom Johnson of Cleveland, Ohio is, named as executor and under a codicil dated Oct 8, 1800, is to receive one-quarter of the estate. The will was executed on May 19, 1809, and was witnessed by H. C. Donecker of 481 Third street, Brocklyn Tilson J. Coleman of St. Louis, Mo., and the testator's lawyer, Samuel B. Clarke. The testator gives the executor absolute authority to deal with the estate as though the testator had given it to him outright.

One-third of the estate is left in trust to the executor for the benefit of the testator's widow, Mrs. Kate M. Johnson. The executor may \$\frac{1}{2}\$ unsfer absolutely to Mrs. Johnson the whole or any part of the trust property or establish for her benefit a severate trust. davit accompanying the will states that the

widow. Mrs. Kate M. Johnson. The executor may ansfer absolutely to Mrs. Johnson the whole or any part of the trust property or establish for her benefit a separate trust or trusts. Upon the death of Mrs. Johnson so much of the property as has not been transferred to her outright shall become a part of the residuary estate. The residuary estate is divided into four parts which are left in trust for the children. Mildred, Tom L. Johnson, Albert W. Johnson and Helen L. Johnson, who was christened beside her father's coffin on the day of the funeral. Upon the death of any of the children without issue that one's share is to go to the testator's brother, Tom L. Johnson, and his heirs.

AN AGED WINEMAKER GONE.

Juice Manufacturers. rowers, whe manufacturers and dealers He was born in Poultney, Vt., in 1816. In early life he went with his parents to Ohio neur Sandusky, where he became a jewel er. In 1857 his attention was directed to grape culture, and he became the pioneer in the manufacture of American wines. Mr. Dewey was a religious man and was an advocate of tempereance. He was upbraided by the Prohibitionists and other extremists. It was said of him that "he was the patriarch of the business, and his grapes and their juliees, in whatever stage of development, were unmistakably American." He leaves two married daughters and three sons. early life he went with his parents to Ohio ne u

Foreign Crews May Compete at Another Place Than Henley.

S pecial Cable Despatch to THE SUN.

LONDON, July 13.—The Field, which favors. closing the Henley regatta to foreigners announces that it is probable that if foreigners are not allowed to row there some substitute form of competition will be established to form of competition will be established to enable alien amateurs to meet English oarsmen. The Field says it believes that such a scheme should embrace the founding of a couple of international challenge cups for eights and fours respectively, to be contested for at a reasonable summer date after the Henley regatta, the course to be either at Henley or Putney. The paper does not profess to say that the plan is in any way decided. It intimates that alternative schemes are being considered.

Training Ship Hartford at Copenhagen. Special Cable Despatch to THE SUN.

COPENHAGEN, July 12.- The presence here of the United States training ship Hartford has attracted much attention. The officers are feted by the authorities and populace.
The Crown Prince gave a dinner to the officers yesterday, and, in company with the Crown Princess and other members of the royal family, he visited the Hartford to-day.

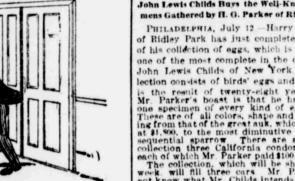
Arrested for Robbery of John Munroe's Restdence.

Special Cable Despatch to THE SUN Paris, July 12 .- Two Italians named Paseale Miro and Carlo Villoni have been arrested at Marseilles on the charge of having stolen the \$12,000 worth of jewelry that was taken from the residence of Mr. John Munroe, the well-known American banker in this city.

day sharp 12.

The Board of Health has asked and reselved \$65,000, from the Board of Estimate,

with which to fight smallpox in this city. There were two deaths and three new cases of the disease yesterday.



Look out! Doors close to-Clothes, shoes, hats, furnish-ROGERS, PEET & COMPANY.

"ORPHEUSC, KERR": IS DEAD

DY OF HUMORIST FOUND TWO WEEKS

where Work Helped Believe the Grim-ness of the Civil War Period —A Feeble-Minded Old Man, He Comes to a Feriera End. Robert Henry Newell, who with Petroleun

served with the Rifles for three years and and others made up the company of humor-returned to Baltimore at the end of his term sits who relieved and softened with their jests some of the grimness of the Civil War period. yesterday. His end was as forlorn as it

Mr. Newell's brother's wife, Mrs. C. S. Newell, allowed him to aleep in a room in her house at 128 First place. He did not have his meals there, at any rate not while the family was away in the country, as it is at for a long time, and his eccentricities had grown with his weakness. He was 65 years tomed haunts for ten days, but nobody misse him enough to ask for or to look for him. The only other occupant of the house, grocery clerk, who slept in the basement as watchman in the absence of the family, had not been instructed to concern himself with

a watchman in the absence of the family, had not been instructed to concern himself with the old man, and he did not.

Mr. Newell's body was discovered yesterday because Louis Jander of 61 Third rlace, who had been instructed to see to some repairs on the roof of the house, thought he ought not to go to work on the roof without telling Mr. Newell what was going on. He went to Mr. Newell's room and found the old man dead on the floor. Jander sent word to the Butler street station and Detective Lynch was sent to make an investigation. With the Coroner the detective came to the conclusion that Mr. Newell's death had been caused by the extremely hot weather of the first days of July and that he had been dead about two weeks. There was nothing to indicate any other cause.

Mr. Newell was an older appearing man than he really was. As he picked his way along the streets, stopping to make a minute examination of every bit of waste paper that he found in his way and sometimes talking to himself rather excitedly, he seemed nearer wo than 60. His delight in his later days was to visit some of the restaurants along Court street where he had appreciative friends and tell them of his experiences as a newapaper correspondent during the Civil War, and as one of those who followed President Orant on his trip around the world. He was very fond of animals and in all the places where he was a frequent visitor, the cats and the dogs made for him as soon as he entered,

Mr. Newell was born in this firm was literary editor of the New York Mercury from 1858 to 1862. From 1862 until 1869 he was a war correspondent and a contributor to Northern periodicals of his famous Washington letters signed "Orpheus C. Kerr" (office seeker). He accompanied Grant on his famous tour around the world and subsequently made a similar tour on his own account. Among his best known productions are "Palace Beautiful and Other Poems," "Versatilities," "Avery Gilben." "Cloven Frot "an American adaptation of Dickens's "Mystery of Edwin Drood." entitled "The My

"I'm shtandin' in the mud. Biddy, With not a spaineen near. And silence, spacheless as the grave, Is the only sound I hear." From 1809 until 1874 Mr. Newell was an editorial writer for the World of this city He was also the editor of Hearth and Home an illustrated weekly. Mr. Newell's bedy was turned over to an undertaker by Coroner Bergen last evening to await instructions from the sister-in-law.

deal of jealousy and friction between Mr Carroll and Corporation Counsel Whalen. that which is taken up by his business interests to the interests of the Tammany ma-Hiram T. Dewey, who died at his summer home at Edgemere, L. I., on Thursday, aged 85. was the founder and chief of the house of H. T. Dewey & Sons Company, American grape growers, wine manufacturers and dealers. legal questions for the city departments.

However, according to these Tammany gossipe, Mr. Whalen has been playing a very deep game of politics, the object of which was to bring about the nomination of George C. Clausen, President of the Park Commission, as the Tammany candidate for Mayor. There is little love lost between Mr. Carroll and his particular friend, Mayor van Wyck, and Mr. Whalen and his friends.

Mr. Whalen used as an argument to work up the enthusiasm for Mr. Clausen the facts that he was a German, a business man, a rich man, and a respectable man. The Tammany men who talked about this last night said that Mr. Whalen was able to get a big movement started in favor of Mr. Clausen before Mr. Carroll and the Mayor woke up to what was going on. When they did, it was said, there was a great rattling of the dry bones. The Mayor and Mr. Carroll talked the whole situation over, and then Mr. Carroll packed his dress suit case and piked for England, to take, as he said, "a much needed rest."

England, to take, as he said, "a much needed reat."

Now the joke of this all comes in the developments which followed Mr. Carroll's departure for England. His contraits had hardly disappeared beyond Sandy Hook before it became known that Mr. Clausehad made a contract with Spate for renting chairs in the parks. The announcement of this plan brought down about Mr. Clausen's ears such a storm of disapproval that Mr. Clausen was glad to try to back out of his bargain, and it became evident at once that he would not do as a candidate for Mayor. So Mr. Carroll has had his trip to England for nothing.

In the meantime it is asserted that President Lewis Nixon of the East River Bridge Commission is being informed by his friend that he has a "lead-pipe cinch" on the Mayoralty nomination. KILLED IN A CEMETERY.

Fatal Ending of a Brush Between Two Coaches in Calvary. James Collins, 30 years old, of 1625 Avenu way and killed. His neck was broken.

A, this city, while driving a coach in Calvary Cemetery yesterday was thrown to the roadother coach driven by James McCabe of 528 Third avenue was overturned and damaged The accidents occured in Boundary avenue The accidents occured in Boundary avenue, skirting the edge of the cemetery inside of the fence. The road is a down grade toward the Blissville gate. It is said that the drivers were racing and that the accidents were caused by their efforts to avoid collision. There were four men in each coach. Those in the overturned coach were dragged out without a scratch. McCabe landed unburt on the bank at the roadside. McCabe was arrested by Detective John J. Sheridan of Long Island City and locked up. The police did not obtain the names of any of the occupants of either of the coaches as they got away immediately after the accidents.

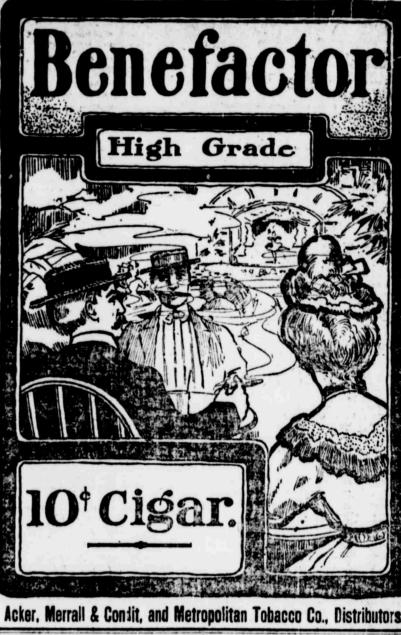
GREAT COLLECTION OF EGGS SOLD John Lewis Childs Buys the Well-Known Spect

mens Gathered by H. G. Parker of Ridley Park. PHILADELPHIA, July 12 - Harry G. Parker of Ridley Park has just completed the sale of his collection of eggs, which is considered one of the most complete in the country, to John Lewis Childs of New York. The collection consists of birds' eggs and nests, and is the result of twenty-eight years' work. Mr. Parker's boast is that he has at least one specimen of every kind of egg known. These are of all colors, shape and size, ranging from that of the great auk, which is valued at \$1.500, to the most diminutive and inconsequential sparrow. There are also in the collection three California conder eggs, for each of which Mr. Parker paid \$100.

The collection, which will be shipped next week, will fill three cars. Mr. Parker does not know what Mr. Childs intends to do with the collection. lection consists of birds' eggs and nests, and

Water Famine in New Indian Countr y. Topeka, Kan., July 12 -- A water famine prevails in the new Indian country to be prevails in the new Indian country to be opened to settlement Aug. 6. Men and women carry jugs and bottles of water with them. Representative Harris of Lyon country, who came here to-night from then sew country, says great suffering will prevail there.

There are 30,000 people in El Reno. They are getting away as fast as registered, but the droves coming in are larger than those going out.



Acker, Merrall & Condit, and Metropolitan Tobacco Co., Distributors.

TO TEACH SUNDAY-SCHOOL TEACHERS. Union Theological Seminary to Have Lay

Instruction Department. Union Theological Seminary has perfected arrangements for the opening of a lay instruction department, which will have headquarters at the Seminary buildings at Seventieth street and Park avenue, and extension centres in as many churches in Manhattan, Brooklyn and even Newark. Two or three years ago Union trustees tried a lay department, putting upon the list of instructors Profs. Briggs and McGiffert, among others. The scheme failed because pupils did not offer themselves. The second attempt leaves the celebrities off. The staff of instructors is to consist of President Hall an illustrated weekly. Mr Newell's body was turned over to an undertaker by Coroner Bergen last evening to await instructions from the sister-in-law.

THE JOKE'S ON JOHNNY CARROLL.

Went Abroad to Head Off Commissioner Clausen's Boom for Mayor.

A number of the Tammany men who were at the Hoffman House and Delmonico's Café last evening said that the public had never been fully informed as to the real reasons which impelled John F. Carroll, deputy leader of Tammany Hall, to start last month for Europe osfensibly on a -vacation, but really to consult Richard Croker, According to these statesmen there has been a good

SEVEN YEARS FOR CURTIS.

The Forger's Right Name Is Arnheim, and His Record Is Bad. Edward Arnheim, 29 years old, of 131 West Eleventh street, who under the name of Lawrence Curtis was tried in General Sessions before Recorder Goff this week for forgery and convicted, was sentenced to seven years' imprisonment with hard labor by the Recorder

imprisonment with hard labor by the Recorder yesterday. When the man who created a scene at his trial was arraigned the Court asked if Arnheim was not his right name.

"I would like to speak to the Court privately, said the prisoner.

"I will accord you no privileges," said the Recorder, sharply; "your father has given me your correct name, and from what I can learn you are one of the worst criminals ever arraigned at this bar, and you are sentenced to imprisonment in State Prison for seven years.

It was learned from the Court that Arnheim alias Curtis, alias Bennett, was guilty of outraging little children. He forged a check for \$2,500 on the Bank of New Amsterdam, raising a \$25 check of his employer, Kirke Lashelle, the theatrical manager of 1402 Broadway.

POISONED BY HORSE'S BITE. Assemblyman Hasenflug Undergoes an Operation to Save His Life.

Assemblyman Coney Hasenflug of Williams burg is ill at his home, 97 Bogart street, with blood poisoning, the result of a bite from a horse. He bought the animal, a small sorrel mare, last month for road purposes. Two weeks ago while in its stall watering it the animal bit the Assemblyman on the index finger of his right hand. The injury seemed so trivial that Mr. Hasenflug gave it little attention.

On the following day the finger and arm began to swell. Dr. Max Levy was called in and he diagnosed the case as blood poisoning. The Assemblyman's condition grew worse and after a consultation it was decided to remove him to the German Hospital, where an operation was performed Thursday, after which Mr. Hasenflug was returned to his home. His wife said last evening that though his condition is serious, he will probably recover. blood poisoning, the result of a bite from a

EPIDEMIC IN NEW HEBRIDES. Parents of Those Who Die Strangled to Appease the Great Spirit.

VANCOUVER, B. C., July 12.-The steam ship Aorangi arrived from Australia to-day. only news of interest brought by mail to large death rate among natives in the Hebrides by an epiden to of dysentery. Il villages are being wiped out by the ings.

It is the practice of Hebrides natives to pease the wrath of the Great Spirit in cases epidemic by strangling the parents of one who die, and this terrible, ancient prace is being followed by the different tribes.

Supreme Court Justice Booker in Brooklyn has granted a stay pending appeal of Justice Gaynor's peremptory mandamus compelling the Brooklyn Heights Railroad Company to resume the operation of elevated trains to Cypress Hills. The appeal will be argued in October, and until that time the railroad

company will continue to operate its trains to the "loop" at East New York, giving trans-fers to the trolley cars.

The Turt.

RECEIVER FOR SHEEHAN'S CLUB. It Has Run Behind Since Sheehan Was Ousted From the Tammany District Leadership. In proceedings brought for the sequestra-

tion of the property of the Pequod Club in West Twenty-fifth street, in order to pay Acker, Merrall & Condit a balance of \$251.89 due for supplies, Justice Fitzgerald of the Supreme Court appointed Rufus B. Cowing, Jr., receiver of its property yesterday. The motion was unopposed. The receiver has to give a bond for \$1,000 and is rquired to deposit any money he takes in with the City Trust Company.

It is alleged by the plaintiffs that the club is insolvent and, on information and belief, that there are other claims unpaid against it. The club was formerly the Tammany headquarters of the Ninth Assembly district when John C. Sheehan was in power in Tammany. It is still the meeting place of the Sheehan forces in that district, from the Tammany leadership of which Sheehan was ousted last year. The regular Tammany headquarters of the district are now the Horatio Seymour Club nearby on Eighth avenue.

The plaintiff obtained the judgment which Supreme Court appointed Rufus B. Cowing.

avenue.

The plaintiff obtained the judgment, which is for supplies, in the City Court on May 18, last. The clubhouse is leased from the Harry Miner estate. MESSENGER MISSING WITH \$200. Cashed Two Checks, Bought New Clothes and

Detectives of the West Thirtieth street station are looking for Frank Foster, a sixteen-year-old messenger who was employed in the postal office at Thirty-third street in the postal office at Thirty-third street
and Broadway. On Tuesday the paying
teller of the Mutual National Bank at Thirtysecond street and Broadway sent him to get
two checks cashed. The checks called for
\$200 He get them cashed but didn't return
to the bank with the money.
Foster boarded at 36 Hamilton street. He
had only been employed in the messenger
office two weeks. The detectives learned
that after cashing the checks he went to a
tailor on Broadway and bought a suit of to his home in Cambridge, Mass.

TWO POLICE CAPTAINS TRANSFERRED. apt. Baldwin to Far Rockaway, Where Col.

Murphy Is Living -Sergeants Jumped, Too. Police Commissioner Murphy transferred wo captains and four sergeants yesterday. The captains shifted are Louis Kreschner of Far Rockaway and Sylvester Baldwin of the Eastern Parkway station, Brooklyn They exchanged places. The sergeants transferred were Hayes, Conboy, Petty and Kelly. Sergt. Hayes went from the East Fifty-first street station to the Tenderioin and Sergt. Conboy from the Tenderioin to East Fifty-first street. Sergt. Petty, the expert pistol shot, was imped from the Macdougal street station to Madison street and Sergt. Kelly was shifted to Macdougal street.

PRESS AGENT IN THE INSANE WARD.

Actress He Has Worked For Has Been Support ing Him, but Can't Do So Longer. Isaac G. Reed, who has been known as ewspaper reporter, magazine writer and press agent is ending his career in the insane pavilion at Bellevue. He was taken there yesterday from a sanitarium at Amityville, L. I., where Minnie Cumminas, the actress, whose press agent he has been, has paid for his maintenance for some time out of gratitude for his work on her behalf. She cannot afford to keep him longer, she says, so he has become a public charse. He comes from Philadelphia, and one of his brothers is a clergyman in Watertown, N. Y. Isaac Reed has published "Personal Reminiscences of New York Society" and "Thirty Years in Gotham," books which have had a fair circulation. resterday from a sanitarium at Amityville.

Lower Rates to the Exposition Promised. BUFFALO, July 12.- The directors of the Pan-American Exposition, who went to New York to confer with the railroad officials. returned to-day. They saw President News returned to-day. They saw Fresident Newman of the New York Central, President Truesdale of the Lackawanna and President Underwood of the Eric and received assurances from all that lower rates would be offered as an inducement to people to come to the Exposition.

For the celebration of Georgia Day to-morrow, 117 Georgia editors came to town

Fire Tender Crashes Into Truck. A hose tender belonging to Engine 6 while n its way to a fire at 2! Albany street from uarters on Cedar street crashed into a truck driven by Augustus Hoffman at Cedar and Greenwich street last evening and smashed the pole in splinters. Fireman John O'Brien who drove the tender was thrown onto the dashboard and the point of the pole penetrated one of the fire horse's side.

The Curt.

**Brighton Races** TO-DAY

\$10,000 Brighton Junior All the crack two-year olds.

Punchestown Steeplechase 25 miles for 4-year olds and over. WITH FOUR OTHER INTERESTING CONTESTS.

MUSIC BY LANDER'S BAND. RACING BEGINS AT 2:50 P. M. All Coney Island Routes lead to Brighton Course.